



GR 99 P 4036

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By: 

Date: July 11, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Alfred Rast et al.
Applic. No. : 09/511,815
Filed : February 24, 2000
Title : Electro-Optical Module
Attention : Office of Deputy Assistant Commissioner for Patents,
Crystal City Building 3, Room 11A09

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

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JUL 17 2001
OFFICE OF PETITIONS

Sir:

A Notice to File Missing Parts for the above-identified application issued May 11, 2000, setting a shortened statutory period of two (2) months for response. Response was, therefore, due July 11, 2000. Applicants intended to further prosecute the application. The entire delay in prosecution was unintentional.

Applicant states that the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition pursuant to 37 C.F.R. 1.137 was unintentional.

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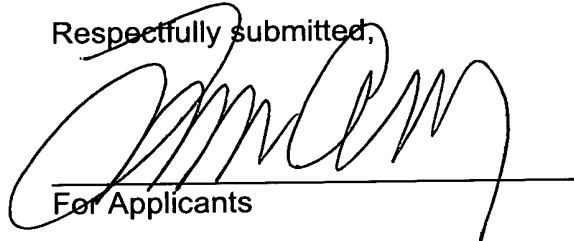
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3. Proof in the form of correspondence sent to Mr. Rast's employers requesting his signature on the declaration for the application.

4. The fee as set forth in section 1.17(h) in the amount of \$130.00

In review of the foregoing, it is requested that this application be accorded 37 C.F.R. 1.47(a) status.

Respectfully submitted,



For Applicants

LAURENCE A. GREENBERG
REG. NO. 29,308

July 11, 2001

Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101

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GR 99.P 4036

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By Devin Lettan

Date: July 11, 2001

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Applicant : Alfred Rast et al.
Applic. No. : 09/511,815
Filed : February 24, 2000
Title : Electro-Optical Module
Attention : Office of Deputy Assistant Commissioner for Patents,
Crystal City Building 3, Room 11A09

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OFFICE OF PETITIONS

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)

It is my information and belief that the following is true:

On February 21, 2000 our office received a request from our client, Siemens to file the aforementioned patent application on their behalf. On February 24, 2000 we sent them a letter stating that we need a signed declaration form but would first file the application without a signed declaration. A reminder letter was then sent on June 26, 2000 regarding the failure of our office to have received the signed declaration by both inventors. Again on June 28, 2001, we informed Siemens that the application was now abandoned due to the lack of a signed declaration.

Siemens then assigned the handling of this matter to its German counsel, Maikowski and Ninnemann. On July 11, 2001 we called Maikowski and Ninnemann to inform them that we urgently needed the signed declaration. German counsel managed to obtain the signature of the second inventor, Mr. Gerhard Kuhn but failed after diligent and persistent efforts to reach Mr. Alfred Rast. Messages were repeatedly left at Mr. Rast's place of employment and on his cell phone. Mr. Rast's last known residential address is:

Ulmenstrasse 5
D-93128 Regenstauf
GERMANY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Denise Lettau



LERNER AND GREENBERG, P.A.

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Werner H. Stemer (FL Bar), Senior Attorney

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Manfred Beck (US & German Pat. Agent)
Mark P. Weichselbaum (TN Bar)
Gregory L. Mayback (FL Bar)
Markus Nolff (FL Bar)
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GR 99 P 4036 US

February 24, 2000

Siemens Aktiengesellschaft
ZT GG VM
Postfach 22 16 34
D-80506 München
Federal Republic of Germany

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JUL 17 2001

OFFICE OF PETITIONS

Re: Alfred Rast et al. - U.S. Patent Application
Priority No.: 199 10 164.7 - Date: February 24, 1999

Ladies and Gentlemen:

With reference to your letter of February 21, 2000, enclosed herewith is a copy of the U.S. Application together with a declaration and an assignment.

Please have the inventors sign the declaration and the assignment and return the application with the signed declaration and the signed assignment to us as soon as possible. We will file the application without the signature of the inventors on February 24, 2000. However, please let us know by telefax if any changes should be made.

We have spoken to Dr. Bonn about the applications to be assigned to Infineon. Dr. Bonn will obtain an excerpt from the contract between Siemens and Infineon which we will record. The excerpt can then be referred to in future assignments. However,

until that time we will be sending you assignments to Siemens since the inventors worked for Siemens when the invention was made. We will prepare another assignment later from Siemens to Infineon, after the excerpt is recorded.

German claim 5 defines that the fiber optic waveguide segment 26 is mounted horizontally. Since the essential aspect of this mounting position seems to be that the fiber optic waveguide segment is parallel to the printed circuit board, we added claim 6 and defined the orientation of the fiber optic waveguide segment 26 with respect to the printed circuit board.

The introductory part of the description mentions EP 0 573 941 A1. Please provide us a copy of EP 0 573 941 A1 so that we can forward it to the U.S. Patent Office.

Our bill is enclosed.

Very truly yours,

For the Firm

MB:tg

Enclosures: New U.S. Application
Declaration, Assignment
Bill



LERNER AND GREENBERG, P.A.

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New York, NY 10022

GR 99 P 4036 US

February 24, 2000

Siemens Aktiengesellschaft
ZT GG VM
Postfach 22 16 34
D-80506 München
Federal Republic of Germany

REMINDER: JUNE 21
PLEASE SEND US THE SIGNED
DECLARATION SO THAT WE MAY FILE
IT IN THE PATENT OFFICE BY THE DUE
DATE OF JUNE 11

WITH AN EXTENSION FEE OF 0
LERNER AND GREENBERG/XDJ

Re: ALFRED RAST et al. - U.S. Patent Application
Priority No.: 199 10 164.7 - Date: February 24, 1999

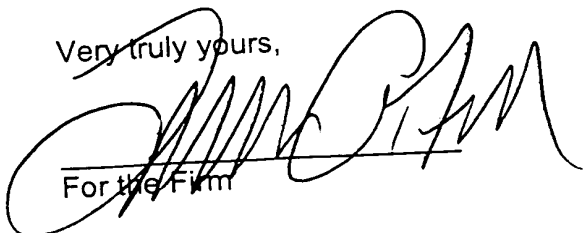
Gentlemen:

Further to our letter of February 24, 2000, we forwarded a copy of the U.S. Patent Application to the Patent Office on this date by Express Mail.

The application was filed without a signed declaration and we would ask you, therefore, to have the inventors sign the declaration and assignment as soon as possible and return it to us. Upon receipt we will file the declaration in the Patent Office.

The official filing receipt will be sent to you in due time. The assignment will be submitted to the Patent Office for Recordation after the Notice of Allowance has been received.

Very truly yours,


For the Firm

/kc

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OFFICE OF PETITIONS



LERNER AND GREENBERG, P.A.

PATENT ATTORNEYS AND ATTORNEYS AT LAW

2445 Hollywood Boulevard
Hollywood, Florida 33020

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Denise A. Lettau (DC Bar)

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New York Office
153 E 57th Street
Suite 15G
New York, NY 10022

Your Ref.: GR 99 P 4036 US
Our Ref.: GR 99 P 4036

June 28, 2001

Siemens Aktiengesellschaft
ZT GG VM
Postfach 22 16 34
D-80506 München
Germany

RECEIVED

JUL 17 2001

OFFICE OF PETITIONS

Re.: Alfred Rast et al. - U.S. Patent Application
Application No.: 09/511,815 - Filed: February 24, 2000

Dear Mrs. Klinger:

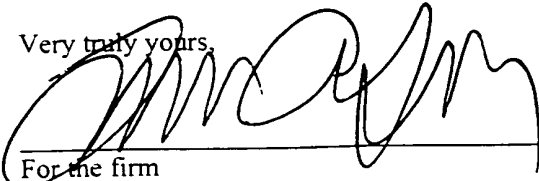
Pursuant to our telephone conversation of earlier today, enclosed herewith is a copy of the declaration and assignment.

Please note that the application has become abandoned for failure to timely file a signed declaration in the Patent Office. Therefore, we need to file a Petition to Revive which must be filed in the Patent Office together with the signed declaration. The cost for filing the Petition will be in the region of \$1,500.00

As you mentioned during our conversation, this file will be transferred to Maikowski & Ninnemann. Please inform them accordingly. We are urgently awaiting the receipt of the signed documents.

Thank you for your efforts in this matter!

Very truly yours,


For the firm

/bb

Encl.: Declaration



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By: 

Date: July 11, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PETITION UNDER 37 C.F.R. § 1.47(a)

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

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Sir:

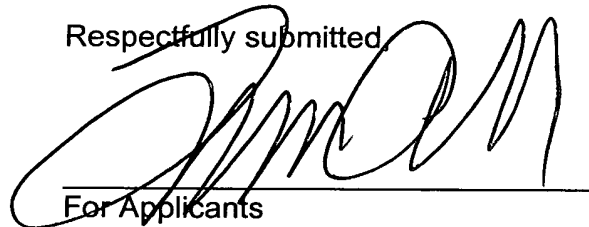
This is a petition filed under 37 C.F.R. 1.47(a) in which one of the two inventors could not be reached after diligent efforts. The inventors are Alfred Rast and Gerhard Kuhn. Enclosed are the following:

1. A Combined Declaration and Power of Attorney in the Original Application with the signature of the second inventor, Gerhard Kuhn.
2. A Declaration in Support of Petition under 37 C.F.R. 1.47(a) provided by Denise Lettau employed by Lerner and Greenberg, P.A., detailing the facts as to the diligent efforts made to locate Mr. Rast.

Applicants request the application be reinstated under 37 C.F.R. § 1.137(b). The petition fee in the amount of \$1240.00 in accordance with Section 1.17(m) is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Herbert L. Lerner, No. 12-1099.

Respectfully submitted,



For Applicants

LAURENCE A. GREENBERG
REG. NO. 29,308

July 11, 2001

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Hollywood, Florida 33022-2480
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/bmb